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Response under 37 C.F.R. 1.116
- Expedited Examining Procedure -
Examining Group 2851

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James A. Truc, et al

CD INDEX PRINT LABEL

Serial No. 10/630,049

Filed 30 July 2003

Group Art Unit: 2851

Examiner: David M. Gray

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

David M. Gray
Idsa, Delmunk

December 8, 2004
Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Response Under 37 CFR 1.116

Reconsideration of the present application, in view of the following remarks, is respectfully requested.

REMARKS

Claims 8-40 are pending in the present application. Claims 8-40 were rejected under 35 USC 103(a) as being unpatentable over Kahle in view of Kraft et al. Claims 8-40 were rejected under 35 USC 103(a) as being unpatentable over Otake et al., Ishikowa et al. and Wess.

With reference to the rejection of claims 8-40 under 35 USC 103(a) as being unpatentable over Kahle in view of Kraft et al., the above references, whether considered individually or in combination, are not believed to anticipate or make obvious the specific features required by the claimed invention.

The pending claims include a first set of claims which include independent claims 8, 11 and 15 and set forth either a method for creating an index print for a digital image storage disk or a digital image storage disk having an index print, and set forth the relationship between the images on the disk and the disk itself. Further, each of independent claims 8, 11 and 15 requires that positive images be provided on the digital image storage disk so as to define a